

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5352 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BRAHMAGNA TRIVEDI

Versus

M N K DALAL EDUCATION COLLEGE FOR WOMEN & OTHERS

Appearance:

MR GIRISH PATEL for the Petitioner
MR SM MAZGAONKAR for Respondent No. 3
MR HL PATEL for Respondent No.4
None present for respondents no.1 and 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/09/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioner by this writ petition, challenges the validity, legality and propriety of the judgment of the Gujarat Affiliated Colleges Services Tribunal, Ahmedabad, annexure 'A'.

2. The petitioner was appointed by the respondent

no.2 as full time tutor from 1-8-1974 and he was confirmed in the year 1976. At the time of her appointment, she was possessing the qualifications of M.A. (II class) and B.Ed. (II class) and had ten years teaching experience and she was eligible to be appointed as lecturer. In the year 1974, the petitioner has been appointed in the pay-scale of Rs.300/- which was lower than the post of lecturer. In the year 1978, the petitioner has come up with a case that the post of tutor was upgraded to the post of lecturer due to work load. She was promoted on the post, but this appointment was objected by the Director of Education. The petitioner then approached to the Tribunal by filing an application, but the said application was partly allowed. The request of the petitioner that she was promoted as a lecturer on the ground that work-load was increased has been rejected. However, she was directed to be promoted as lecturer from 1-8-1981 on the basic pay of Rs.700/-. The Tribunal has recorded a finding of fact that there was no increase of work-load justifying the promotion of existing tutors as a lecturer. This finding is a finding of fact, which does not call for any interference of this Court. The Tribunal after recording the evidence of both the sides, decided the matter and did not find it to be a case of increase of work-load to an extent which would put additional burden on the existing staff. No interference.

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

zgs/-